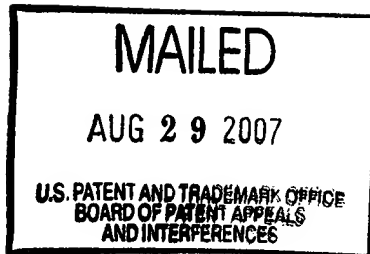


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte NEIL FREDERICK BRANDER
and
ANDREW JOHN ZELENKA

Application 08/976,159

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 25, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that an Order Returning Undocketed Appeal was mailed on August 28, 2006 which listed the following deficiencies and requested that the Examiner:

1. locate a copy of the missing June 19, 2003 Order Returning Undocketed Appeal and have a complete copy scanned into the IFW; and
2. determine the status of claims 14-17, 19 and 20.

A copy of the first Order Returning Undocketed Appeal mailed June 19, 2003 still appears to be missing from the IFW.

In addition, it appears that the text of the October 25, 2006 Examiner's Answer is a duplicate of the previous Examiner's Answer mailed March 13, 2006.¹ While a discussion of claims 14-17, 19 and 20 appears on pages 7-9 of the October 25, 2006 Examiner's Answer, these claims are still not included in a statement of rejection. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) to locate a copy of the missing June 19, 2003 Order Returning Undocketed Appeal and have a complete copy scanned into the IFW;

2) for a determination regarding the status of claims 14-17, 19 and 20 and inclusion of these claims in a rejection;

¹ Please note that page 1 of both Answers states that the Answer "is in response to Appellant's brief on appeal filed 07/09/2001." It appears that this date is incorrect and should be corrected on any future Examiner's Answers.

3) for written notification to appellants regarding the above determination; and

4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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PJN:psb

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